

REMARKS

Claims 30-36, 39-41, 52-58, 60-69, 73-79, 81-91, 94-100 and 102-117 are pending in the application. Claims 39-41, 53-58, 61-62, 74-79, 82-83, 95-100, 103-104 and 116-117 have been previously withdrawn from consideration after an election of species by the applicant. Claims 30-36, 52, 60, 63-69, 73, 81, 84-91, 94, 102 and 105-115 have been rejected. No claims have been allowed. Independent claims 30, 63, 84, and 108 have been amended herein. Furthermore, dependent claims 31-33 have been amended herein and claims 34-36, 39-41, 54-58, 60-62, 64-69, 73-79, 81-91, 94-100, 102-107 and 109-117 depend from now allowable base claims and are now allowable. Applicant has cancelled claims 52 and 53. Reconsideration and allowance of the application, as amended, is respectfully requested.

The drawings are objected to under 37 CFR 1.83(a). Claims 30-36, 52, 60, 63-69, 73, 81, and 108-115 have been amended to remove the feature of stitches formed at an angle of 15 degrees or 30 degrees. Accordingly, the drawings now conform to 37CFR 1.83(a) by showing every feature of the claimed invention. No new matter is added by this amendment. Reconsideration and allowance of the drawings as related to the claims, is respectfully requested. Reconsideration and allowance of the application, as amended, is respectfully requested.

Claims 30-36, 52, 60, 63-69, 73, 81, and 108-115 have been rejected under 35 USC 112 first paragraph, as failing to comply with the written requirement. Claims 30-36, 60, 63-69, 73, 81, and 108-115 have been amended to remove the feature of stitches formed at an angle of 15 degrees or 30 degrees. Applicants respectfully request reconsideration and allowance of claims 30-36, 60, 63-69, 73, 81, and 108-115. Reconsideration and allowance of the application, as amended, is respectfully requested.

Claims 30-34, 60, 84-91, 102, 105-115 have been rejected under 35 USC 103(a) as being unpatentable over Quijano et al. (5,500,014) in view of Richter et al '734. In

response, the applicants respectfully traverse the rejection. The reasons why the rejection should be withdrawn are set forth in the applicants' previously submitted remarks in this application and are hereby incorporated by reference. However, in order to advance the prosecution of the application, the applicants have amended the independent claims 30, 63, 84 and 108. Each of the independent claims now recite that the vascular prosthetic is joined by stitches that form a smooth inner lumen. Also, claims 30, 84 and 108 now recite a luminal angle of less than about 30 degrees and claim 63 now recites an angled slice of less than about 15 degrees. The construction including stitches that provide a smooth inner lumen in combination with a luminal angle of less than about 30 degrees provides the vascular prosthetic with passageways which permit uniform blood flow through the valves so that proper operation of the valves is preserved in the joined lumens. Claims 30, 84 and 108 specify the vascular prosthetic comprises an angular sectioned input end. Claims 84 and 108 specify the vascular prosthetic is made from two pieces sealingly attached at the input end. The '734 patent does not disclose sealingly attaching the pieces together to form a configured conduit. The '734 patent does not disclose forming a device with a smooth inner lumen after joining the pieces. The remaining claims in the application depend from the amended independent claims and are also believed to be patentable over the art of record in the application. Therefore, reconsideration and allowance of claims 30-34, 60, 84-91, 102, 105-115, as amended, is respectfully requested.

Claims 35,36,68,69,89,90,113,and 114 have been rejected presumably under 35 USC 103(a) as being unpatentable over Quijano et al '014 in view of Richter et al '734. In response, the applicants respectfully traverse the rejection. The reasons why the rejection should be withdrawn are set forth in the applicants' previously submitted remarks in this application and in the current response to the Office Action dated 27 January, 2004 and are hereby incorporated by reference. However, in order to advance the prosecution of the application, the applicants have amended the independent claims 30, 63, 84 and 108 as set forth in the paragraph immediately prior. Claims 35,36,68,69,89,90,113,and 114 depend from amended and now allowable independent claims and are therefore believed to be patentable over the art of record in the application.

Reconsideration and allowance of claims 35,36,68,69,89,90,113,and 114 is therefore respectfully requested.

Claims 52,94 have been rejected under 35 USC 103(a) as being unpatentable over Quijano et al '014 in view of Richter et al '734 as applied in claim 30 above, and further in view of Ehrenfeld (5156619). In response, the applicants respectfully traverse the rejection. The reasons why the rejection should be withdrawn are set forth in the applicants' previously submitted remarks in this application and are hereby incorporated by reference. However, in order to advance the prosecution of the application, the applicants have canceled rejected claim 52 and amended claim 94. As noted above, claim 94 depends from amended and now allowable claim 84 and is therefore also allowable. The combination suggested by the examiner does not teach or suggest the sealingly attachment of two donor blood vessels by single pass stitches to form a smooth inner lumen. Reconsideration and allowance of claim 94 is therefore respectfully requested.

Claims 63-69 and 81 have been rejected under 35 USC 103(a) as being unpatentable over Quijano et al '014 in view of Richter et al '734 as applied in claim 30 above, and further in view of Mobin-Uddin (5078735). In response, the applicants respectfully traverse the rejection. The reasons why the rejection should be withdrawn are set forth in the applicants' previously submitted remarks in this application and are hereby incorporated by reference. However, in order to advance the prosecution of the application, the applicants have amended base claim 63. The combination suggested by the examiner does not teach or suggest the "Y" shaped conduit of fixed biological tissue sealingly attached form a smooth inner lumen at an angle of transition of less than 15 degrees to the outflow ends. Claims 64-69 and 81 depend from now allowable claim 63 and are therefore also allowable. Reconsideration and allowance of claims 63-69 and 81 is therefore respectfully requested.

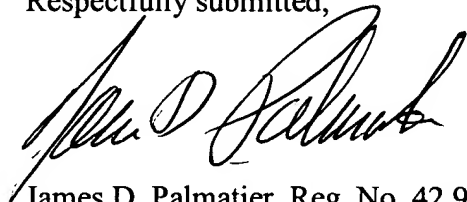
Claim 73 has been rejected under 35 USC 103(a) as being unpatentable over Quijano et al '014 in view of Richter et al '734 as applied in claim 30 above, and further in view of Mobin-Uddin (5078735) and further in view of Ehrenfeld (5156619).). In response, the applicants respectfully traverse the rejection. The reasons why the rejection should be withdrawn are set forth in the applicants' previously submitted remarks in this application and are hereby incorporated by reference. However, in order to advance the prosecution of the application, the applicants have amended base claim 63 as noted above to overcome the rejections by the examiner. Reconsideration and allowance of claim 73 is therefore respectfully requested.

The amendment and remarks herein are believed to place the application in condition for allowance. Reconsideration and allowance of claims 30-36, 60, 63-69, 73, 80, 81, 84-91, 94, 102, and 105-115, as amended, is respectfully requested.

In the case the examiner does not feel the claims in this application are ready for allowance, a telephone interview is hereby respectfully requested at the examiner's convenience.

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Respectfully submitted,



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